



## Hawai'i Community College

University of Hawai'i

29 May 1996

Memo to: Mike Wilson, Director of DLNR

From: Fred D. Stone

Subject: Follow-up to my letter of 11 May 1996 to Mike Wilson, concerning destruction of Wekiu bug habitat in Pu'u Hau Oki due to construction activities related to the JNLIT (Subaru) telescope

After my letter of 11 May, I attempted to locate the relevant documents and approvals that would explain the filling and grading of the prime Nysius habitat in Pu'u Hau Oki inner crater. Sam Lemmo and Holly MacEldowney sent me the Subaru project proposal and the DLNR approval. I attempted to talk to Bob McClaren of IfA to find out if the filling was permitted, but he insisted that "No bulldozing of the inner crater had been done--they were permitted to move some construction materials" and hung up the phone when I reiterated that I had photographs of the bulldozing.

I wrote the enclosed report under the assumption that I had been supplied all the relevant material. On 28 May, I met with Land Board member Chris Yuen. He showed me a construction map that proposed using the inner crater of Pu'u Hau Oki as a dump for the material excavated during Subaru construction. This map was approved by DLNR even though it was not in compliance with the conditions of the original DLNR approval of CDUA HA-4/18/91, Doc. no. 1866E. Condition #4 states: Before proceeding with any work authorized by the Board, the applicant shall submit four (4) copies of the grading and construction plans and specifications to the Chairperson or his authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application.

In the original approval, DLNR states in condition #7 that ". . . mitigation set forth in the accepted Environmental Impact Statement and the Mauna Kea Science Reserve Complex Development (Management) Plan for this proposed use are hereby incorporated as conditions of this approval". Then, after this approval was given, construction maps flagrantly violating the mitigation measures were submitted by Subaru and approved by DLNR!

The original CDUA states: Placement of excavated material along the outer edges of the telescope pad, along the access road, and in the control building area.

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Condition #6 of the approval states: . . . If, subsequent to the issuance of this permit, information and data (submitted by the permittee) prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked . . . and/or the Department may, in addition, institute appropriate legal proceedings.

The construction map submitted subsequent to approval of the CDUA clearly makes the original information submitted in the application "false, incomplete or inaccurate". DLNR was wrong in approving the construction map, which violated the conditions of the CDUA approval, and the mitigation measures of the 1983 EIS and 1987 Complex Development Plan.

I request the DLNR to carry out its mandate, as stated in condition #6 of Doc. no. 1866E, dated 27 Sept. 1991, that is to suspend or revoke the permit, and to institute appropriate legal proceedings.

Further, I ask that condition #11 of the Doc. no. 1866E be invoked: That failure to comply with any of these conditions shall render this CDLU application null and void.

I still have not received an explanation for the relocation of the access road adjacent to the Gemini telescope.

Failure by DLNR to carry out its own guidelines for use of Mauna Kea Science Reserve will send a message to IfA that they can continue to ignore the mitigation measures agreed to in the EIS and Management Plan and the legal conditions included in the CDUA approval. It will show these documents to be a sham, which IfA can violate with impunity.

Cc. Ben Cayetano, Governor, State of Hawai'i

Kenneth P. Mortimer, President, University of Hawai'i

Don Hall, Director of Institute for Astronomy

Gary Gill, Office of Environmental Quality Control

Sam Lemmo, Office of Conservation and Environmental Affairs, DLNR

Betsy Gagne, Director of Natural Area Reserves, DLNR

Bill Stormont, Natural Area Reserves Manager, Hawai'i Island

Ross Cordy, State Historic Preservation Division, DLNR

Lawrence Terlep, Division of Conservation and Resources Enforcement, Hawai'i Island

Dean Uchida, Division of Land Management, DLNR

Virginia Goldstein, Planning Director, Hawai'i County

Chris Yuen, Board of Land and Natural Resources, DLNR

Adam Asquith, U.S. Fish and Wildlife Service, National Biological Survey, DOI

Dr. Francis Howarth, B.P. Bishop Museum

Dr. Steve Montgomery, Research Associate, B.P. Bishop Museum

Ron Koettler, Mauna Kea Support Services

Dr. Kyoji Narai, Japan National Large Telescope

Steve Hardash, Gemini 8-meter Telescope Project

Dr. Peter Gillingham, Keck Telescope

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